

1954

May 11

*opinion expressed*

His Excellency, Governor Hugh Gregg  
State of New Hampshire  
State House

Dear Governor Gregg:

You have inquired whether it would be permissible to transfer from the general treasury fund monies representing revenue received by the Cancer Commission to the budgetary item of current expenses of said Commission. It is the opinion of this office that this may not be done.

There was appropriated by chapter 248 of the Laws of 1953 the sum of \$78,125.00 for current expenses of the Commission for the current fiscal year, which, together with other items comprised a total appropriation of \$103,225.00. There is credited against this total appropriation estimated revenue of \$12,500.00 leaving a net appropriation of \$90,725.00. There is, therefore, authority for the Commission to expend only the total sum of \$103,225.00. A transfer to this Commission of funds from the general fund, even though representing income received by the Commission, would be increasing its appropriation and would not authorize the treasurer to pay any sum in excess of the appropriation. This is not the case of a transfer of funds within the department by which a different use of funds is permitted, but all within the total appropriation.

When the Legislature has intended that income received by a department may be used by the department it has specifically so stated; e.g. appropriation of public utilities commission, chapter 248 Laws of 1953. Such provision has not been made for the Cancer Commission.

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

ATTORNEY GENERAL  
His Excellency, Governor Hugh Gregg

May 11, 1934

Additional funds may be transferred to the department from the emergency fund if the facts giving rise to the need of such additional funds constitute an emergency. I am advised that the need for increased funds is for the payment of current expenses due to an increased patient load which could not have been foreseen by the Legislature. From data furnished by the Commission it appears that indigent patients aided for the first nine months of the current fiscal year is within nine of the total aided for the last complete year. Also, total patients aided for this period is only thirty less than the past full year.

As this extra case load has been taken on by the Commission it would appear that a determination could properly be made that an emergency exists and a proper transfer made from the emergency fund.

Very truly yours,

Richard C. Duncom  
Assistant Attorney General

ROD:RM